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SENATE

{ REPORT
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TO REAUTHORIZE APPROPRIATIONS FOR CERTAIN PROGRAMS UNDER THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT, AND FOR OTHER PURPOSES

APRIL 18, 1995.—Ordered to be printed

Filed under authority of the order of the Senate of April 6 (legislative day, April 5), 1995

Mr. McCAIN, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany S. 441]

The Committee on Indian Affairs, to which was referred the bill (S. 441) to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 441, is to reauthorize sections 409, 410, and 411 of Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act, through fiscal year 1997. Currently, the authorization for these and other sections of P.L. 101-630 expire in fiscal year 1995.

BACKGROUND

Public Law 101-630 was enacted on November 28, 1990. The Act is intended to address the findings of the Senate Select Committee on Indian Affairs and the Special Committee on Investigations regarding increasing numbers of federal prosecutions of federal, state and tribal employees for crimes of child abuse on Indian reservations, and high incidents of family violence. The goals of the Act

are to identify the scope of Indian child abuse and family violence, require the reporting of incidents of Indian child abuse, and to provide prevention and mental health treatment for child abuse and family violence victims on Indian reservations.

The Act created the first mandatory federal Indian child abuse reporting law and prescribes a process to respond to child abuse allegations. The process provides confidentiality of persons reporting allegations in order to promote the reporting of child abuse incidents. In addition, the Act prescribes procedures to ensure that federal and tribal employees having contact with children are sufficiently screened prior to employment. As a further precaution, the BIA and IHS are required to compile a list of employee positions having contact with children and to conduct individual employee background character investigations prior to employment.

To accomplish the prevention and mental health treatment goals of the Act, appropriations of \$43,000,000 for each fiscal year from 1990 through 1995 are authorized to establish prevention and treatment programs within the Bureau of Indian Affairs [BIA] and the Indian Health Service [IHS]. Section 409 authorizes appropriations of \$10,000,000 for the IHS, in cooperation with the BIA, to establish an Indian Child Abuse Treatment Grant Program to provide grants to Indian tribes for one-reservation treatment programs. Section 410 authorizes appropriations of \$3,000,000 for the BIA to establish an Indian Child Resource and Family Services Center in each BIA Area Office to provide technical assistance, training, and to develop recommendations on the reporting of child abuse for Indian tribes. The staffing of the Resource Centers is to be provided for pursuant to a Memorandum of Agreement between the BIA and IHS. Section 411 authorizes appropriations of \$30,000,000 for the BIA to establish an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to Indian tribes to establish on-reservation child abuse and family violence prevention programs.

To date, the BIA and IHS have not implemented sections 409, 410 and 411 of the Act. The implementation of the Act has been hampered by the lack of funding for the programs authorized in sections 409, 410, and 411. In part, Congress has been reluctant to appropriate funds for the Act because the BIA and the IHS have failed to promulgate regulations implementing the Act. The failure to promulgate regulations in a timely fashion and the lack of funds to implement the Act have prevented Indian tribes from addressing the growing problems of child abuse and family violence on Indian reservations.

The BIA recently provided the Committee with a report prepared in response to a request of the House Appropriations Subcommittee on Interior and Related Agencies in the FY'95 appropriations bill. The house requested that the BIA, in coordination with the IHS develop a plan to address the need for child abuse prevention and treatment programs. In addition, during the Committee's oversight hearing on the President's budget request, the BIA testified that it requested \$5 million for child abuse treatment grants and that draft regulations to implement the Act are completed and are awaiting final review.

In spite of the failure to implement the Act, there remains a continuing and substantial need for federal funding to implement child abuse and family violence prevention and treatment programs on Indian reservations. During the hearing on S. 441, and prior Committee hearings on the Act, the BIA, the Department of Justice and Tribal witnesses testified that reports of child abuse continue to increase. This is due, in large part, to the reporting requirements of the Act and the special Congressional appropriations provided to six tribal communities (Ft. Peck Assiniboine Sioux, Grand Ronde, Hopi, Navajo Ramah Navajo School Board and Standing Rock Sioux) to address the problem of Indian child abuse. The efforts of these and other tribes to increase public awareness about child abuse have resulted in increasing reports of Indian child abuse.

OTHER CONSIDERATIONS

The Committee is concerned that if legislation reauthorizing the Indian Child Protection and Family Violence Prevention Act is not considered by the Congress prior to the completed action of the House and Senate Interior Appropriations report the funds requested in the President's FY 96 Budget request may not be appropriated.

LEGISLATIVE HISTORY

S. 441 was introduced by Senator McCain on January 30, 1995 and was referred to the Committee on Indian Affairs. Senator Domenici was added as a cosponsor on Wednesday, March 22, 1995. The Committee held a hearing to receive comments on S. 441 from the Administration and several Indian tribes on March 22, 1995.

EXECUTIVE COMMUNICATIONS

The only communications received by the Committee from the Executive Branch regarding S. 441 were in the form of testimony from the Bureau of Indian Affairs, the Indian Health Service and the Department of Justice. Set forth below is the testimony of the BIA, IHS, and the DOJ at the March 22, 1995 hearing of the Committee on Indian Affairs.

STATEMENT OF ADA E. DEER, ASSISTANT SECRETARY—INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, AT THE HEARING BEFORE THE COMMITTEE ON INDIAN AFFAIRS, U.S. SENATE, ON S. 441, A BILL "TO REAUTHORIZE APPROPRIATIONS FOR CERTAIN PROGRAMS UNDER THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT, AND FOR OTHER PURPOSES"

Good afternoon, Mr. Chairman and Members of the Committee. I am pleased to be here to support the enactment of S. 441, the reauthorization of the Indian Child Protection and Family Violence Prevention Act (Act), within existing funding constraints. I have with me today Ms. Joann Sebastian Morris, Acting Director of the Office of Tribal Services, and Mr. Theodore Quasula, Chief of the Division of Law Enforcement. They will assist me in re-

sponding to any technical questions the Committee may have.

Earlier this month we presented testimony which detailed the dramatic increase in reporting of child abuse in Indian country. The rate of increase is so significant, it bears repeating.

In 1993 the BIA Social Services received 31,901 child abuse complaints, an increase of 445% from the statistics brought to this Committee during its 1987 child abuse hearings. In 1994, the number of complaints dropped to 25,919; however, we believe this reduction is due to a decrease in the number of tribes reporting to the BIA, not to a decrease in incidents.

Last year, BIA Criminal Investigators conducted 442 investigations of cases in which children were victims, including sexual contact, incest, sexual abuse, physical abuse, and felony sexual molestation. BIA Social Services received notice that State Courts, adjudicating the interests of off-reservation Indian children, granted 46 adoptions, terminated the rights of 50 Indian parents, and issued 155 notices of abuse and neglect.

I would first like to review activities undertaken by the BIA to implement the Indian Child Protection and Family Violence Prevention Act. Greater detail is provided in our 1995 Child Abuse and Family Violence Prevention Plan which was submitted to the Committee March 3.

This year we plan to publish Proposed regulations establishing Minimum Standards of Character and Program Guidelines for Tribal Child Protection and Family Violence Programs and Distribution of Funds Formula. Tribal review of draft regulations and consultation was conducted August 30, 1994, in Oklahoma City, following which the minimum standards of character and the funding formula were redesigned, by tribal and BIA personnel. The Solicitor's staff completed its first review of the regulations and plans to complete final revisions this month. It is our plan that the regulations will undergo simultaneous review with BIA and the Department; in addition, BIA staff hopes to solicit comments on the draft proposed regulations from the participants at the National Indian Family Preservation Conference in Phoenix, April 12. Following the required OMB clearance, the proposed regulations will be published with a 60 day public comment period.

Currently, BIA background investigations are processed through the Office of Personnel Management. BIA's program to protect children includes investigating the background of its own employees who have regular contact with, or control over, Indian children, and assisting tribes in conducting background investigations on applicants for employment in these types of positions. Eight security officers adjudicate applicants for and employees in 7,000 sensitive positions within BIA Office of Indian Education Programs, Social Services, and Law Enforcement. All persons in positions with regular access to children are identified

by position title, name, social security number, date of birth, entry date, and duty station; and are scheduled for reinvestigation every five years.

As one check on the background of applicants, tribes may request FBI criminal history records. While some tribes have been successful in accessing state and FBI criminal history records, many tribes still have problems. Consequently, criminal history checks are not routinely conducted and many tribes have requested the BIA provide this service. The FBI has requested that BIA process tribal requests as we did for gaming tribes before the National Indian Gaming Commission assumed the responsibility. We have been working with the FBI and will be negotiating an agreement to assure that tribes, through the BIA, will have access to FBI fingerprint criminal history records. Additional staff will be required to process tribal inquiries and the cost will be borne by the BIA. Contract and grants funding may be utilized by the tribes to pay the \$22 charge for each inquiry.

Our proposed regulations make clear the continuing responsibility of tribes. Specifically, we are emphasizing to tribes that criminal history records checks are only a small part of an overall background check, and simply because a criminal history record does not exist for an applicant it does not mean there have been no incidents of inappropriate prior conduct. Tribal hiring officials must ensure that a comprehensive review of former employment records, personal references, residences, local law enforcement records, education records, and personal interviews are conducted.

The feasibility for a central registry on child abuse in Indian country was completed in October, 1994. The study recommended the establishment of a central registry to provide more complete data on child abuse in Indian country and to track convicted perpetrators. BIA is exploring the costs, benefits, and feasibility issues raised by this recommendation. We are also considering the possibility of collaboration with the National Center for Child Abuse and Neglect of the Department of Health and Human Services. Replication of existing and new programs, as well as cost, are critical factors in our review.

BIA and Indian Health Services (IHS) collaboration has been continuous and quite productive. As indicated in our Plan, we are refining our memoranda of agreement and understanding initiatives. For example, the BIA and IHS jointly funded the Cherokee Nation Child Abuse Prevention Project; and with the Intertribal Council of Arizona, are co-sponsoring the first National Indian Family Preservation Conference in April 1995.

BIA and IHS staff coordinate an inter-agency National Child Protection Team, and area and agency level interdisciplinary Child Protection Teams, many of which now include United States Attorneys and representatives from State social services agencies. The BIA and IHS meet

quarterly as the National Indian Child Protection Team, and participate in the Interagency Indian Children's Mental Health Council.

BIA and IHS are developing residential treatment programs at juvenile detention centers, and IHS is assisting the BIA and tribes in implementing therapeutic and wellness models at one grant school and one BIA off-reservation residential school. IHS participates in BIA's Indian Police Academy training programs, particularly the regional multidisciplinary training program with the United States Attorneys, on the identification, investigation, and prosecution of child abuse and domestic violence.

Both BIA and IHS utilize "Linkages," a publication of BIA Social Services, and "Prevention Quarterly," a publication of BIA Office of Alcohol and Substance Abuse Prevention (with total subscriptions of 5,000) to address issues of concern to tribes and disseminate information.

Indian child protection and family violence prevention program funds have been requested in the President's 1996 BIA Budget and will be equitably distributed to American Indian and Alaska Native communities to develop prevention and treatment, multidisciplinary child abuse investigation and prosecution, tribal codes, training, or community education programs.

Priority has been given to the funding and developing of tribal rather than BIA programs. Special child abuse initiative funds were incrementally appropriated during fiscal years 1989-1991 for critical child protection and staffing needs in the field. In response to tribal recommendations, these funds, totalling \$7.6 million, have been added to the tribe/agency tribal priority allocation budget system and are subject to tribal priority setting.

We have also encountered programmatic barriers to the implementation of the Indian Child Protection and Family Violence Prevention Act.

We have received reports that tribal and federal personnel have suffered retaliation, including job loss, as a result of good faith reporting of child abuse. BIA regulations will be revised to require compliance with 18 USC §§ 1512 and 1513, but we recommend as well that the reauthorization of the Act include a prohibition against retaliation following good faith reporting of child abuse.

Vacancies in both the Office of the Child Protection Coordinator and Office of Alcohol and Substance Abuse Prevention have slowed collaborative efforts and new initiatives in recent months. Directors for each important coordination office are being recruited, and selection of the Child Protection Coordinator will take place shortly.

The \$5 million is included in the President's FY 1996 BIA Budget to begin meaningful program development by tribes, including comprehensive child abuse and family violence prevention programs. As a starting point, tribes will be able to enhance existing programs with the FY 1996

funds with the option of redirecting funds from other available tribal resources.

We must realize that abuse is a symptom of increasing stress within both families and communities. As stress factors increase, so will violence whether it is self-inflicted or focused at others.

Recent legislative initiatives threaten already diminished resources that sustain many Indian families, such as WIC, AFDC, Food Stamps and the Commodity Supplemental Food Program. If these and similar tribal programs that are essential to tribes are eliminated, BIA and local providers cannot possibly fill the void. In essence there will be no safety net for Indian children and their families.

The impact of current proposed legislation is far reaching. It is likely that the BIA will experience an increase in the number of American Indians and Alaska Native children adjudicated as abused and neglected. Such cuts would seriously hinder the ability of tribes and villages to develop comprehensive, multidisciplinary programs to meet the needs of Indian children and their families.

We applaud Senator McCain for his proposed reauthorization of the Indian Child Protection and Family Violence Prevention Act. It serves as a symbol for the focused attention we intend to give to these issues. And, with funding authorized to tribes to support the development of local level programs and solutions, we hope to see a reduction in the statistics we shared in the opening of our testimony. The BIA will do all it can to partner with tribes and our colleagues in the Indian Health Services and other agencies to work toward that goal.

This concludes my prepared statement. I and my staff will be pleased to answer questions the Committee may have.

STATEMENT OF W. CRAIG VANDERWAGEN, M.D., DIRECTOR,
DIVISION OF CLINICAL AND PREVENTIVE SERVICES, INDIAN
HEALTH SERVICE, DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Mr. Chairman and Members of the Committee:

I am Dr. Craig Vanderwagen, Director of the Division of Clinical and Preventive Services, Office of Health Programs, Indian Health Service (IHS). Accompanying me today is Dr. Scott Nelson, Chief of the Mental Health and Social Service (MH/SS). Dr. Michael Trujillo, the Director of the IHS, regrets that he cannot be here personally to address this important topic. However, he is attending a regional Indian health in Portland, Oregon with the Assistant Secretary for Health, the Department of Health and Human Services. This meeting had been scheduled several months ago. He wants to assure you that he continues to place the highest priority on efforts to combat child abuse and family violence because of the terrible toll these problems take on people in Indian Communities. For the past two years our MH/SS program has taken the lead re-

sponsibility for child abuse prevention and treatment activities in the Indian Health Service. I appreciate the opportunity to present the IHS comments and to support your legislation to reauthorize Title IV of P.L. 101-630, The Indian Child Protection and Family Violence Prevention Act.

IHS supports the reauthorization of this important child abuse legislation as proposed in S. 441. We believe that the authorizations under the legislation provide the opportunity for needed funding for tribal treatment and prevention programs. The legislation also preserves appropriate roles for IHS and the Bureau of Indian Affairs (BIA) in the implementation of child abuse prevention programs.

As Dr. Trujillo testified in May of 1994 before this Committee, IHS has established a number of initiatives in child abuse/family violence prevention and treatment with the \$1.25 million in resources that have so far been provided. We have also actively pursued additional resources from the agencies resulting in \$575,000 from BIA and the National Center on Child Abuse and Neglect (NCCAN) in the 1994-1995 fiscal years to fund joint child abuse prevention and education projects in Indian country. Major IHS activities related to child abuse prevention and treatment are currently underway. Some of these activities include:

- Funding of tribally-operated child abuse treatment and/or prevention programs at Navajo (\$300,000 per year), Hopi (\$200,000 per year), Bay Mills (\$100,000 per year), Fort Peck (\$200,000 per year for a 3-year demonstration prevention project), and Washoe (\$150,000 in FY 1993).

- Support of a joint IHS-BIA national family preservation child protection/family violence prevention conference to be held in April 12-14, 1995 in Phoenix under the auspices of the Intertribal Council of Arizona. IHS and BIA grantees and tribal leaders will discuss strategies for preserving families and preventing and treating child abuse that have been found to be effective.

- Initiating a program to treat juvenile sexual perpetrators in 8 Indian communities.

- Hiring of a national medical consultant to plan and participate in training of physicians and others in conducting examinations of child abuse victims, and a social worker to coordinate IHS and interagency child abuse activities.

- Extensive coordination with BIA, NCCAN, the Department of Justice, the Substance Abuse and Mental Health Services Administration and the Federal Interagency Task Force on Child Abuse, as well as with relevant other IHS programs.

Senator McCain and members of the Committee, we appreciate your personal commitment to this important issue of child abuse. Dr. Trujillo and IHS staff are similarly

committed to working with you, the Committee and tribal leaders in combating child abuse and treating child abuse victims in Indian country. Dr. Nelson and I will be glad to answer any question that the Committee may have.

STATEMENT OF HERBERT BECKER, DIRECTOR, OFFICE OF
TRIBAL JUSTICE, DEPARTMENT OF JUSTICE

Mr. Chairman, Mr. Vice Chairman, and Distinguished Members of the Committee:

I am Herb Becker, Director of the Office of Tribal Justice at the Department of Justice. It is my pleasure to appear before you today to discuss the Department's support for S. 441, the reauthorization of the Indian Child Protection and Family Violence Prevention Act.

This historic and critical Act codifies the efforts of Congress, tribal leaders, and the Executive Branch to address and to rectify the abuse of children in Indian Country. The Act seeks to improve law enforcement investigations and to fund crucial services for victimized children and their families. In enacting this legislation, Congress carefully reviewed the devastating problem of child abuse in Indian Country. The men and women of the Congress also took to heart the unique trust relationship that the United States holds with Indian people—a relationship that is grounded in the United States Constitution and over 150 years of Federal law.

Since the enactment of the Indian Child Protection and Family Violence Prevention Act, we have made great strides toward accomplishing the goals of the Act. I will highlight these steps, but before I do so I must tell you that we can do more; we must not stop short with these first steps. The Act must be reauthorized to fully accomplish the goals of identifying the extent of child abuse and family violence in Indian Country, reducing such incidents, and providing funds for mental health treatment for victims of child abuse and family violence in Indian Country.

The Act creates the parameters for ensuring protection of child victims by delineating certain reporting criteria. Meeting these criteria, however, requires extensive coordination and the expenditure of resources. For example, although the Act delineates the roles of child protection workers and of law enforcement officers, these people must travel great distances to respond to victims and their families. These distances have the potential to preclude effective service.

As you have heard and will hear from the testimony of others, especially Ms. Ada Deer and her capable staff, there has been a dramatic increase in reporting of child abuse in Indian Country. The mandate of the Act to report these cases is working and the mandate of the Act to improve investigations has led to progress. But progress is not tantamount to accomplishment.

To accomplish the goals expressed by Congress in the Act, in 1990 the Department began a review of its prose-

cutive efforts in the area of child abuse in Indian Country. The Department, through the United States Attorneys' Offices, with the support of the Criminal Division, is committed to the consistent and effective investigation and prosecution of these crimes against children in accordance with the Indian Child Protection and Family Violence Prevention Act and the trust responsibility of the United States toward American Indian people.

Another hallmark of the Department's commitment to these issues was the historic Listening Conference on May 5-6, 1994 in Albuquerque, New Mexico, which brought tribal leaders together with the Attorney General, the Secretary of the Interior, and the Secretary of Housing and Urban Development to discuss critical issues affecting American Indian tribes and nations. Arising from the Listening Conference was the pledge that the Department will strive to address child abuse in Indian Country.

The Department believes that this goal can be accomplished through training, coordination, and the establishment of guidelines—guidelines which actuate the purposes of the Indian Child Protection and Family Violence Prevention Act. Much progress toward this goal has been made by the United States Attorneys' Offices and the Criminal Division. One means of achieving this goal is to assure the development and utilization of memoranda of understanding (MOU) between federal, tribal, and state entities that set forth local guidelines for child abuse reporting, investigation, and prosecution. Such MOUs allow us to overcome problems of overlapping jurisdiction by forging working relationships between tribes, federal agencies, and states. These relationships allow all parties to work together to ensure that child abuse is dealt with effectively. Of equal importance, MOUs allow these crimes and the problems of the victims to be addressed in a way that respects tribal sovereignty and draws on tribal wisdom.

Oklahoma provides an example of how MOUs have proved helpful. Last August, in Oklahoma, sixteen Indian tribes and nations gathered together with United States Attorneys Stephen Lewis and John Raley, the FBI, BIA, IHS, and state of Oklahoma, to approve procedures to address Indian child abuse. This MOU guides the reporting, investigation, and prosecution of physical and sexual abuse of Indian children.

The genesis of this MOU was the Fall 1993 Memorandum of Understanding Between the BIA and the FBI regarding law enforcement in Indian Country. Shortly thereafter, at a meeting of United States Attorneys, Attorney General Janet Reno underscored the need for interagency and tribal partnerships in responding to crimes against children in Indian Country. She stated that "[s]imple things such as opening lines of communication can often have the most profound effects." United States Attorneys Stephen Lewis and John Raley took her message back to

Oklahoma, and began developing—with the assistance and commitment of the BIA, FBI, IHS, and the Indian tribes in the Northern and Eastern Districts of Oklahoma—a MOU for the reporting and investigating of child abuse. This MOU is modeled on the Indian Child Protection and Family Violence Prevention Act. I will submit a copy of the MOU for the record.

Shortly after approval of the MOU in the Northern and Eastern Districts, the Western District of Oklahoma gained approval of a similar MOU with federal and state agencies and 18 tribes. Thus, the Indian Child Protection and Family Violence Prevention Act has led to concrete arrangements to address child abuse in Indian Country. If we can achieve these sorts of arrangements in Oklahoma, where the jurisdictional problems are the most complex, we can begin the task throughout Indian Country.

Furthermore, several additional districts have multidisciplinary teams in place to address child abuse. These multidisciplinary teams consist of professionals from the various disciplines that protect and treat abused children, and assist in the prosecution of their offenders.

In addition, Department's commitment to addressing child abuse in Indian Country is reflected in its efforts to bring together federal, tribal, and state agencies in a series of meetings. The Department coordinated the first national meeting of federal, tribal, state and local agencies and organizations to address the issues associated with child sex crimes. The meeting—which was held in Seattle, Washington, on September 21–23, 1993—resulted in many initiatives based on suggestions from the United States Attorneys, the Criminal Division, Office for Victims of Crime (OVC), FBI, BIA, and the Office of Policy Development. The Department, working in conjunction with the BIA, has scheduled for 1995 numerous training conferences for federal and tribal law enforcement officers, child protection workers, and prosecutors. These conferences include five BIA and OVC funded regional conferences specifically addressing child abuse and domestic violence in Indian Country.

The FBI and the BIA also have taken steps to coordinate their law enforcement efforts in Indian Country. Last year, the FBI and the BIA held a Roundtable discussion of issues affecting law enforcement in Indian Country. A second such meeting is scheduled for this April. The purpose of these meetings is to enhance communication, coordination, and investigation of criminal cases in Indian Country. In step with the provisions Congress delineated in the Indian Child Protection and Family Violence Prevention Act, we are combining our skills, knowledge, expertise, experience, and resources in such a way as to provide the best possible federal response to child abuse and to the victims of these terrible crimes.

The Department is committed to fulfilling its duty under the Act to investigate and prosecute child abuse in Indian

Country. However, additional treatment for the victims of abuse and their families must be provided to break the cycle of violence. Investigators and child protection workers must be trained to deal properly and effectively with these crimes against our children and families—crimes which, in the hearts and minds of many, are the most complex and egregious of all crimes affecting our society.

Thank you for the opportunity to testify in support of S. 441. We believe that a good foundation is in place and that key relationships have been established to ensure effective prosecution and victim services in Indian Country. We look forward to continuing our efforts in this area, which is so vitally important to the children and families in American Indian communities. In closing, I am reminded of a quotation by Will Rogers, a member of the Cherokee Nation who frequented the halls of Congress. He told us that “we will never have true civilization until we have learned to recognize the rights of others.” The Indian Child Protection and Family Violence Prevention Act is a great step toward recognizing the problems of crime in Indian Country and guaranteeing that American Indian children enjoy the full protection of our criminal justice system.

This concludes my prepared testimony. I am pleased to answer any questions that the Committee may have at this time.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On Wednesday, March 29, 1995, the Committee on Indian Affairs, in an open business session, considered S. 441 and the bill was ordered reported without amendment with the recommendation that the Senate pass the bill, as reported.

SECTION BY SECTION SUMMARY ANALYSIS

Section 1 authorizes sections 409(e), 410(h), and 411(i) of the Act through fiscal year 1997.

COST AND BUDGETARY CONSIDERATIONS

The cost and budgetary impact of S. 441, as estimated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 1995.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 441, a bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

Enactment of S. 441 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Connie Takata.

Sincerely,

JUNE E. O'NEILL.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 441.
2. Bill title: A bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Indian Affairs on March 29, 1995.
4. Bill purpose: S. 441 would amend the Indian Child Protection and Family Violence Prevention Act to reauthorize programs.
5. Estimated cost to the Federal Government:

FEDERAL GOVERNMENT COSTS

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Authorization of appropriations:					
Child abuse treatment grants	10	10	0	0	0
Child resource and family services centers	3	3	0	0	0
Child protection and family violence prevention	30	30	0	0	0
Total authorizations of appropriations	43	43	0	0	0
Total estimated outlays	31	40	12	3	0

Note.—Details may not add to totals because of rounding.

The costs of this bill fall within budget function 550.

6. Basis of estimate: S. 441 would reauthorize funding for Indian Child Abuse Treatment Grants, Indian Child Resource and Family Services Centers, and Indian Child Protection and Family Violence Prevention programs at currently authorized levels through 1997. Although funding for these programs is currently authorized at a specific annual amount for each program through fiscal year 1995, the programs have never received any appropriations.

This estimate assumes that the authorized amounts are appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates computed by CBO on the basis of data for other Indian Health Service programs.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Connie Takata.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 441 will have minimal regulatory or paperwork impact.

CHANGES IN EXISTING LAW

In accordance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that enactment of S. 441 will result in the following changes in existing law with language which is to be deleted in brackets and the new language which is to be added in italic.

SEC. 409. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

25 U.S.C. § 3208(e) There is hereby authorized to be appropriated to carry out the provisions of this section \$10,000,000 for [each of the fiscal years 1992, 1993, 1994, and 1995] *each of the fiscal years 1995 through 1997.*

SEC. 410. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

25 U.S.C. § 3209(h) APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$3,000,000 for [each of the fiscal years 1992, 1993, 1994, and 1995] *each of the fiscal years 1995 through 1997.*

SEC. 411. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

25 U.S.C. § 3210(i) APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for [each of the fiscal years 1992, 1993, 1994, and 1995] *each of the fiscal years 1995 through 1997.*

